

Concurrence Copy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region8

1867160 - R8 SDMS

Ref: EPR-ER

**ACTION MEMORANDUM**

SUBJECT: Approval and Funding for a Removal Action at the Tatooine Industries Abandoned Mercury Site in Burns, Laramie County, Wyoming, pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104,

FROM: Joyce Ackerman  
Federal On-Scene Coordinator

THRU: Laura Williams, Unit Chief  
Emergency Response

David Ostrander, Director  
Emergency Response and Preparedness Program

TO: Martin Hestmark, Assistant Regional Administrator  
Office of Ecosystems Protection and Remediation

Site ID# A8N7

**I. PURPOSE**

The purpose of this Action Memorandum is to document the decision to initiate emergency response actions described herein for the Tatooine Industries Abandoned Mercury Site (Site) located in Burns, Laramie County, Wyoming, pursuant to the On-Scene Coordinator's delegated authority under CERCLA Section 104. This emergency removal action involves the cleanup of abandoned elemental mercury at a non-operational recycling facility. Conditions at the Site presented a threat to public health and the environment and met the criteria for initiating a removal action under 40 CFR §300.415(b)(2) of the National Contingency Plan (NCP).

**II. SITE CONDITIONS AND BACKGROUND**

Site Name: Tatooine Industries Abandoned Mercury Site  
Superfund Site ID (SSID): A8N7  
NRC Case Number:  
CERCLIS Number: WYN000802516  
Site Location: Burns/Laramie County/Wyoming  
Lat/Long: 41.158/-104.447  
Potentially Responsible Party (PRP): Tatooine Industries

*Joyce Ackerman*  
EPR-ER  
7-21-16

*L. Williams*  
8/26/16

*[Signature]*  
8/29/16  
EPR-ER

*[Signature]*  
8/29/16  
EPR-ER

*[Signature]*  
8/31/16

NPL Status:	Not on the NPL
Removal Start Date:	6/30/2016
Removal Category:	Emergency Response Removal Action

## **A. Site Description**

### **1. Removal Site Evaluation**

The U.S. EPA RCRA/CERCLA Technical Enforcement Program has been working with the Wyoming Department of Environmental Quality (WY DEQ) regarding the Tatooine Industries recycling facility. The owner of the facility received a variety of wastes when it was operational including but not limited to electronic wastes such as computers and televisions, used oil, and elemental mercury. The owner was convicted of crimes unrelated to his business and is currently in prison. The facility is essentially abandoned, with a variety of wastes remaining inside two buildings and outdoors. The EPA Removal Program was requested to provide assistance in assessing the wastes at the Site for a possible removal action.

In discussions with the WY DEQ as well as photo documentation from previous State and EPA inspections, OSC Joyce Ackerman learned that several containers of elemental mercury and mercury-containing devices were being stored in three refrigerators at the Site. There were broken windows at the Site, indicating possible trespassers. The doors of the two buildings were locked, but there were no security features such as fences or alarms. Due to the quantities of elemental mercury being stored and the evidence of trespassing, the OSC determined that an emergency response was necessary to remove the mercury from the facility.

OSC Ackerman was assisted by OSC Shun-Ping Chau who mobilized to the facility on June 30, 2016, with a representative from the WY DEQ, and EPA's Superfund Technical Assessment and Response Team (START) and Emergency and Rapid Services (ERRS) contractors. The ERRS contractor collected the containers of elemental mercury, mercury-containing devices, and one of the refrigerators, and arranged for proper disposal.

### **2. Physical Location**

The Site is an abandoned recycling facility near Burns, Wyoming. Burns is approximately 15 miles east of Cheyenne and immediately north of Interstate 80. The population was 301 at the 2010 census.

### **3. Site Characteristics**

The containers of mercury and devices were located inside a building in three refrigerators. Power has been turned off to the building. While the door to the building is locked, there are broken windows suggesting trespassers have accessed the Site in the past. There are no fences, alarms, or other security measures to prevent access to the Site.

**4. Release or Threatened Release into the Environment of a Hazardous Substance, Pollutant or Contaminant**

The contaminant of concern at the Site is elemental mercury. Mercury is a hazardous substance as defined by Section 101(14) of CERCLA.

For elemental mercury, the most important route of absorption is through inhalation. Mercury vapors are colorless and odorless. According to the federal Agency for Toxic Substances and Disease Registry (ATSDR) 1999 Toxicological Profile for Mercury, the major target organs of elemental mercury-induced toxicity are the kidneys and the central nervous system. The toxicological profile also states metallic mercury and its vapors are extremely difficult to remove from clothes, furniture, carpet, floors, walls, and other such items. If these items are not properly cleaned, the mercury can remain for months or years and continue to be a source of exposure.

**5. NPL Status**

This Site is not on the NPL, nor is it currently proposed for inclusion on the NPL.

**6. Maps, Pictures, Other Geographic Representation**

Photos are provided as Attachment 1.

**B. Other Actions to Date**

**1. Previous Actions**

There were no previous activities.

**2. Current Actions**

The EPA Removal Program will work with the WY DEQ to assess the remaining wastes at the facility for a possible future removal action.

**C. State and Local Authorities' Role**

**1. State and Local Actions to Date**

The WY DEQ provided information and photo documentation of conditions at the Site including the stored mercury. The WY DEQ arranged for Laramie County Sheriff's deputies to accompany the team to the Site in case trespassers were present in the building. No trespassers were observed during the emergency response.

**2. Potential for Continued State/Local Response**

State and local entities do not have the resources or authority to conduct this removal action and are involved in a consultation role only.

### **III. THREATS TO PUBLIC HEALTH, WELFARE OR THE ENVIRONMENT**

Conditions at the Site presented a threat to public health and the environment and met the criteria for initiating a removal action under 40 CFR §300.415(b)(2) of the NCP.

EPA has considered all the factors described in 40 CFR §300.415(b)(2) of the NCP and determined that the following factors apply at the Site.

“(i) Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants;”

The contaminant of concern at the Site for this emergency response was elemental mercury. Numerous containers of mercury were present at the Site, abandoned and presenting a threat of release. When spilled, mercury spreads easily and poses an inhalation threat to humans and animals.

“(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;”

Numerous containers of elemental mercury were present at the Site. The facility is essentially abandoned, and the containers posed a threat of release.

“(vii) The availability of other appropriate federal or state response mechanisms to respond to the release.”

There were no state resources available to effect this removal. There were also no other federal agencies or federal resources available.

### **IV. SELECTED REMOVAL ACTION AND ESTIMATED COSTS**

#### **A. Planned Actions**

##### **1. Planned Action**

On June 30, 2016, the ERRS contractor picked up the containers of mercury, mercury-containing devices and one of the refrigerators which appeared to be contaminated. The contractor provided for safe storage while disposal arrangements were made. Disposal of the mercury will be completed in July 2016.

##### **2. Contribution to Remedial Performance**

This action will address the threat of a mercury release at the Site. The Removal Program will conduct an assessment of remaining wastes at the Site for a possible future removal action.

##### **3. Engineering Evaluation/Cost Analysis (EE/CA)**

An EE/CA is not required for an emergency removal action.

#### **4. Applicable or Relevant and Appropriate Requirements (ARARs)**

Removal actions conducted under CERCLA are required to attain ARARs to the extent practicable. In determining whether compliance with ARARs is practicable, the OSC may consider appropriate factors, including the urgency of the situation and the scope of the removal action to be conducted.

No ARARs have been identified for this removal action. RCRA requirements concerning waste analysis, manifesting, packaging, and transporting, while not ARARs, apply to off-site shipments of hazardous wastes.

#### **5. Project Schedule**

Removal activities were initiated on June 30, 2016. Disposal is anticipated to be completed in July 2016.

#### **B. Estimated Costs\***

Contractor costs	
ERRS	\$ 7,000
START	\$ 4,000
SUBTOTAL	\$11,000
Contingency costs (20% of subtotal)	\$ 2,200
<b>Total Removal Project Ceiling</b>	<b>\$13,200</b>

\*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

#### **V. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

A delay in action or no action at this Site would have increased the actual or potential threats to the public health and/or the environment.

#### **VI. OUTSTANDING POLICY ISSUES**

None

#### **VII. ENFORCEMENT**

An investigation to evaluate potential enforcement options will be undertaken. A separate Enforcement Addendum will be prepared if appropriate providing a confidential summary of potential enforcement activities.

#### **VII. APPROVALS**

This decision document represents the selected removal action for the Tatooine Industries Abandoned Mercury Site in Burns, Laramie County, Wyoming, developed in accordance with

CERCLA as amended and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and through this document, I am approving the proposed removal actions. The total project ceiling is \$13,200; this amount will be funded from the Regional removal allowance.

---

Joyce Ackerman  
Federal On-Scene Coordinator

---

Date



*Printed on Recycled Paper*

Attachment 1: Photos



Main Processing Building

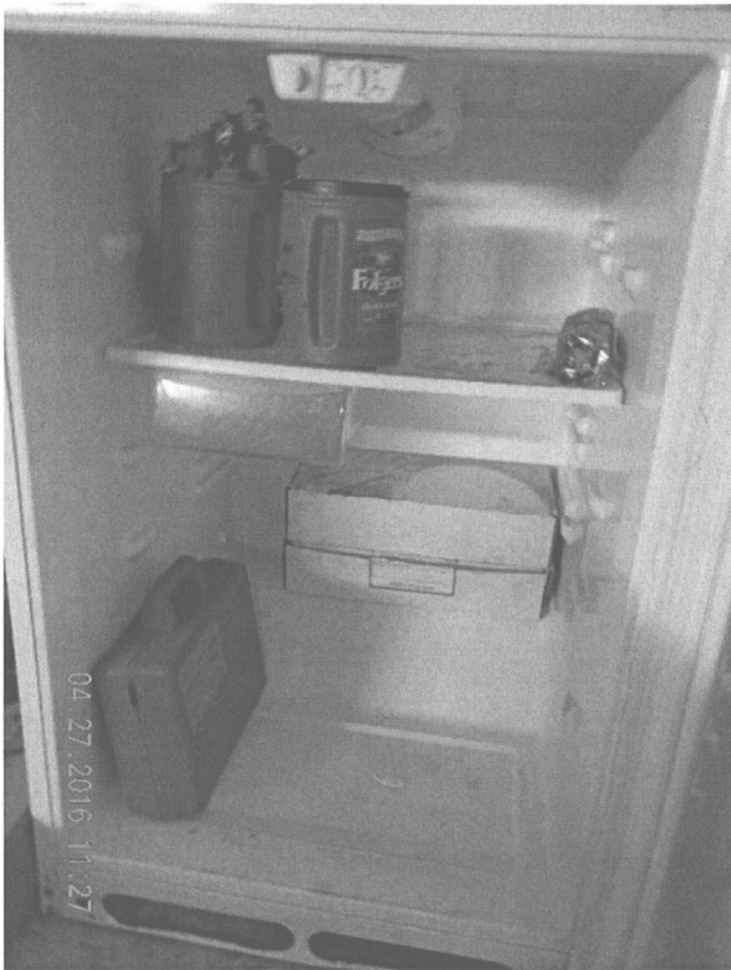


Broken Window at Processing Building

Refrigerator with containers of mercury and mercury-containing devices







Refrigerator with containers of mercury and mercury-containing devices



Refrigerator with containers of mercury and mercury-containing devices

One of the containers with elemental mercury

